Mr. Harold Weisberg
Cog d'Or Press
Route 2
Frederick, MD 21701

Dear Mr. Weisberg:

This is in response to your letter of January 5, 1973, appealing the denials to you dated October 3, 1972, and November 27, 1972, of access to copies of the so-called "memorandum of transfer" of the material relating to the autopsy of President Kennedy and the Secret Service transmittal letters relating to this document, respectively.

Taking into account the latest judicial and legislative pronouncements on the Freedom of Information Act, an extensive legal review of your appeal has been undertaken. We regret that we must once again deny certain records included in your appeal. With regard to the "memorandum of transfer," we do so on the basis of subsection 552(b)(6) of title 5, United States Code, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy . . .." With regard to the letter of November 13, 1970, from Assistant Director of the Secret Service Thomas J. Kelley to the Archivist, we do so on the basis of subsection 552(b)(5) of title 5, United States Code, "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency . . .."

We are happy to enclose copies of the other transmittal correspondence previously denied you, specifically copies of the letters from Mr. Kelley to the Archivist dated March 6, 1970, and December 14, 1970, and General Counsel Rankin's letter to Mr. Kelley dated December 10, 1970.

Sincerely,

R.

E. C. GARDNER, JR.
Assistant Administrator for Administration

Enclosures

cc:
Official File - LR
Reading File - LR (2)
Archivist of the US - N
General Counsel - L
Asst. Adm. for Administration - B
Office of Information - ALIP
Claims & Litigation Div. - LC
Legislative, Judicial & Fiscal Branch - NNFL

LR:SCarfinkel:psf 4947 2/21/73
RCT:ALIP:ROYawter:bgm:2/28/73 x4511 (add encls to last prg)

See previous yellow for concurrences.

ALI